

**UNITED STATES TRUSTEE STANDARDS AND PROCEDURES
FOR DEBTOR ATTENDANCE AT THE MEETING OF CREDITORS
WESTERN DISTRICT OF WASHINGTON**

I. Law and Policy

- A. All debtors must appear at the meeting of creditors conducted pursuant to 11 U.S.C. § 341(a). In a joint case, both debtors must appear.
- B. A request for waiver of the personal appearance requirement shall be by motion, as provided in § III below. Neither the case trustee nor U.S. Trustee may waive the debtor's personal appearance.
- C. The U.S. Trustee will generally not oppose a motion to appear by telephone, if the basis for the motion is the debtor's incapacitating medical condition, incarceration, or military assignment out of the area, and the debtor's circumstances are not likely to change within a reasonable time. Absent exceptional circumstances, the U.S. Trustee will oppose the debtor's motion to waive personal appearance if the basis for the motion is the debtor's relocation out of the area or other circumstance within the debtor's control, or if a continuance of the meeting would be less prejudicial or burdensome to creditors and/or the trustee.
- D. The U.S. Trustee will generally oppose motions to submit testimony by written interrogatories.

II. General Requirements for Requesting Telephonic Meeting of Creditors

- A. **Responsibility for Arrangements.** A debtor authorized to appear by telephone shall be responsible for making arrangements with the trustee.
- B. **Financial Information.** In advance of the telephonic meeting, the debtor shall provide to the case trustee copies of the following:
 - 1. the debtor's federal income tax returns for the two years preceding the filing of the petition, and
 - 2. pay stubs or other proof of income for the two months prior to filing.
- C. **Verification of Debtor's Identity by Third Party**
 - 1. **Attendance of Third Party.** The debtor must arrange for a third party official to be present with the debtor at the time and place of the telephonic

meeting to verify the debtor's identification and social security number. It is preferable that the debtor appear at the U.S. Trustee's office closest to the debtor's location. If there is no U.S. Trustee's office in the debtor's vicinity, or if the debtor is unable to travel, the debtor must arrange for the presence of an acceptable third party, including a hospital or prison official, military commander, attorney, or notary.

2. **Verification of Identity by Third Party.** The official responsible for verifying the debtor's identification and social security number shall examine the debtor's documentation and identify the types of documentation furnished and the full name, address, and social security number contained in the documentation. Thereafter, the official shall complete and mail or deliver to the U.S. Trustee the completed Declaration of Attending Official form attached as Appendix A.

III. **Motion Contents and Procedure.** A debtor seeking waiver of the personal appearance requirement shall file a motion and proposed order, together with the debtor's declaration and supporting documentation, as follows:

A. **Contents of Motion.** The motion shall contain:

1. the date of the originally scheduled § 341 meeting;
2. the circumstances preventing the debtor from appearing in person;
3. a certification that the debtor will provide to the case trustee the financial documentation referenced in §II.B above;
4. a statement that the movant has served the motion and supporting documentation on the case trustee, U.S. Trustee, and any persons or entities requesting special notice under F.R.Bankr.P. 2002(i), and that all parties entitled to notice have approved the motion, or that at least five days have passed since the debtor effected service and that the movant has received no objection to the motion.

B. **Declaration.** The motion shall be supported by a declaration of the debtor containing the following:

1. a detailed, factual explanation of the exceptional circumstances preventing the debtor from appearing in person;
2. the length of time the debtor's absence or disability is expected to last; and

3. a statement that the debtor agrees to extend the deadline for complaints under § 523 and § 727 and motions under § 707(b), to 60 days after the meeting of creditors is actually first held.
- C. **Proposed Order.** In addition to any relief requested by the debtor, the proposed order shall contain the following provisions:
1. that the debtor shall make arrangements with the trustee for the telephonic § 341 meeting and shall bear the expense of the meeting and any continued meetings;
 2. that if the telephonic § 341 meeting occurs after the date originally set for the meeting, the deadline for § 523 and § 727 complaints and § 707(b) motions shall be extended to a date 60 days after the telephonic meeting of creditors is actually first held.
- D. **Supporting Documentation.** In support of the motion, the debtor shall submit the following documentation evidencing the debtor's unavailability:
1. **Illness or Disability** – a statement by the debtor's health care provider as to the debtor's condition and the length of time the condition is expected to last;
 2. **Incarceration** – official documentation evidencing the debtor's confinement and length of confinement, including any copy of the judgment and sentence or documentation from the Department of Corrections or other confining authority.
 3. **Military Service** – official documentation evidencing the debtor's duty station and length of tour, including a copy of duty orders and/or confirmation from the debtor's commanding officer as to the expected length of continued duty.

DECLARATION OF ATTENDING OFFICIAL

I, _____, declare under penalty of perjury as follows:

1. I am a _____ (title) licensed by _____
(if applicable) and/or employed by _____.

2. On _____ (date), the individuals named below personally appeared before me and provided me with original documentation confirming their full name(s) and social security number(s), as follows:

Debtor's full name: _____

Debtor's social security number: _____

Joint Debtor's full name: _____

Joint Debtor's social security number: _____

A) Proof of Identification:

Debtor	Joint Debtor
_____ state driver's license	_____
_____ government ID	_____
_____ state ID	_____
_____ student ID	_____
_____ U.S. passport	_____
_____ military ID	_____
_____ resident alien card	_____
_____ Mexican Consulate card	_____

B) Proof of SSN:

Debtor	Joint Debtor
_____ social security card	_____
_____ medical insurance card	_____
_____ pay stub	_____
_____ W-2 form	_____
_____ IRS Form 1099	_____
_____ Soc. Sec. Admin. report	_____

Dated _____ at _____ (city or county), _____ (state).

Signature
(If applicable) Notary Public in and for the
State of _____, County of _____

When completed, mail this form to: Office of the United States Trustee
1200 Sixth Ave., Suite 600
Seattle, WA 98101